

REGISTER OF CLASSIFICATION DECISIONS

Date of entry in Register: 16 December 1999
Name of applicant/court: The District Court at Christchurch
Applicant to the Labelling Body: Not Applicable
Title of Publication: neto_wendel04.jpg
Other Known Titles: DIA Exhibit #7
Director: Not Applicable
Producer: Not Applicable
Publisher: Not Applicable
Author: Not Applicable
Format: Computer Image File
Country of Origin: Not Applicable
Language: Not Applicable

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Components of film originally examined: Not Applicable.

Feature: Running time:
Trailers: Running time:
Total Running time:

Excision/Alteration: Not Applicable.

Reason(s) for Excision:

Not Applicable.

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Classification Decision:

Objectionable.

Display Conditions:

Not Applicable.

Descriptive Note:

Not Applicable.

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Direction to issue a label has been given on: Not Applicable.

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SUMMARY OF THE REASONS FOR DECISION:

The publication *neto_wendel04.jpg* is classified as:
Objectionable.

This classification is because the computer image file promotes and supports the exploitation of children or young persons for sexual purposes.

The computer image file contains a colour photograph of either children or young persons engaging in sexual activity. It shows two naked boys on a white bed. One boy looks into the camera and masturbates the other boy. Both are aged around 14 years. The photograph presents them as sexually active and available, and enjoying sex with other children and/or young persons. This strengthens and legitimises the notion of sexual activity between and with children and/or young persons. The image therefore promotes and supports the exploitation of children or young persons for sexual purposes and is deemed objectionable.

An objectionable classification places a limit on s14 of the New Zealand Bill of Rights Act 1990 (NZBR Act). The publication falls under s3(2) of the Films, Videos, and Publications Classification Act 1993 (FVPC Act) which overrides s14 of the NZBR Act because it is a deeming provision which cannot be given a meaning that is consistent with the rights and freedoms contained in s14 of the NZBR Act. This limit on freedom of expression is prescribed by law.

OFLC Ref: 9901766